

CRIMINAL COMPLAINT

United States District Court	DISTRICT of ARIZONA
United States of America v. Joseph Laval Tolbert DOB: 1992; United States	DOCKET NO. MAGISTRATE'S CASE NO. 20-01590 MJ

Complaint for violation of Title 8 United States Code § 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(i)

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

On or about February 13, 2020, in the District of Arizona, **Joseph Laval Tolbert**, knowing or in reckless disregard that certain aliens, including Adrian Martinez-Bautista and Lazaro Martinez-Pena, had come to, entered, and remained in the United States in violation of law, did transport and move said aliens within the United States by means of transportation and otherwise, in furtherance of such violation of law and did so for the purpose of private financial gain; in violation of **Title 8, United States Code, Sections 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(i)**.

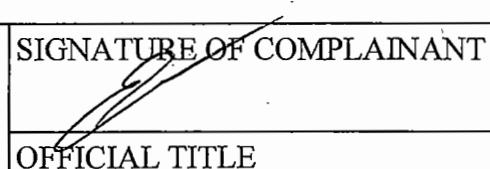
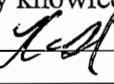
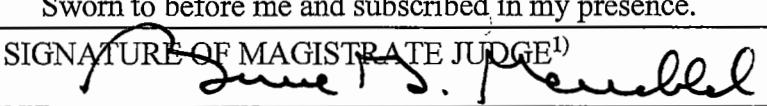
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:

On or about February 13, 2020, in the District of Arizona (Naco), United States Border Patrol Agents (BPA) received information from a concerned citizen regarding suspected illegal aliens getting into a tan vehicle resembling a Suburban. The citizen said that the vehicle continued northbound on Naco Highway. Approximately five minutes later, BPA encountered a tan 2006 GMC on Naco Highway. The BPA followed it until it stopped near a gas pump at a Speedway Gas Station on SR-92. The BPA approached the vehicle to have a consensual conversation with the driver **Joseph Laval Tolbert**. While approaching the vehicle, the BPA saw two people laying down on the back seat's floorboard. They were attempting to hide and were wearing camouflage clothing and carpet booties. **Tolbert** immediately put his hands up and said "I do not know who they are." BPA determined that they were illegal aliens.

Material witnesses Adrian Martinez-Bautista and Lazaro Martinez-Pena said they had made arrangements to be smuggled into the United States for money. Both said that they crossed the border by climbing over the fence and that they were told an SUV was going to pick them up. Martinez-Pena said they were guided via cell phone to the load up spot. Both said when the SUV stopped near their location, they came out of the brush and got into the SUV. They got in the back seat and laid down.

In a post-*Miranda* statement, **Tolbert** claimed he travel to Sierra Vista from Phoenix to tow a vehicle he sold. No towing equipment was found. He said that while driving back to Phoenix, he got lost and pulled over to enter his address on his phone's GPS. Two men wearing camouflage clothing came out of the brush and asked him for help. Tolbert said he invited both into his car and started driving. He felt that the police was following him and he stopped at the nearest gas station where he was approached by BPA.

MATERIAL WITNESSES IN RELATION TO THE CHARGE: Adrian Martinez-Bautista and Lazaro Martinez-Pena

Detention Requested Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.	SIGNATURE OF COMPLAINANT 
AUTHORIZED BY: AUSA JAA/ri 	OFFICIAL TITLE Border Patrol Agent
Sworn to before me and subscribed in my presence.	DATE February 14, 2020
SIGNATURE OF MAGISTRATE JUDGE ¹⁾ 	

1) See Federal rules of Criminal Procedure Rules 3 and 54